



Australian Capital Territory

# Health Professionals Legislation Amendment Act 2004

A2004-39

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2002 046B

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Australian Capital Territory

# Health Professionals Legislation Amendment Act 2004

**A2004-39**

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An Act to amend various laws about health professionals, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

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2002 046B

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**1 Name of Act**

This Act is the *Health Professionals Legislation Amendment Act 2004*.

**2 Commencement**

- (1) A schedule mentioned in table 2, column 2 commences on the day the provision of the *Health Professionals Act 2004* mentioned in column 3 commences.

**Table 2 Commencements**

<b>column 1 item</b>	<b>column 2 schedule</b>	<b>column 3</b>
1	sch 2 (Chiropractors and osteopaths)	s 136 (a)
2	sch 3 (Dental technicians and dental prosthetists)	s 136 (b)
3	sch 4 (Dentists)	s 136 (c)
4	sch 5 (Medical Practitioners)	s 136 (f)
5	sch 6 (Nurses)	s 136 (g)
6	sch 7 (Optometrists)	s 136 (h)
7	sch 8 (Pharmacists)	s 136 (i)
8	sch 9 (Physiotherapists)	s 136 (j)
9	sch 10 (Podiatrists)	s 136 (k)
10	sch 11 (Psychologists)	s 136 (l)

*Note* The *Health Professionals Act 2004*, s 136 is as follows:

136 Repeals

The following Acts are repealed:

- (a) *Chiropractors and Osteopaths Act 1983* A1983-28
- (b) *Dental Technicians and Dental Prosthetists Registration Act 1988* A1988-85
- (c) *Dentists Act 1931* A1931-8



- (d) *Health Professions Boards (Elections) Act 1980* A1980-45
  - (e) *Health Professions Boards (Procedures) Act 1981* A1981-46
  - (f) *Medical Practitioners Act 1930* A1930-13
  - (g) *Nurses Act 1988* A1988-61
  - (h) *Optometrists Act 1956* A1956-4
  - (i) *Pharmacy Act 1931* A1931-10
  - (j) *Physiotherapists Act 1977* A1977-60
  - (k) *Podiatrists Act 1994* A1994-82
  - (l) *Psychologists Act 1994* A1994-87.
- (2) Schedule 12 commences on the day the *Health Professionals Act 2004*, section 136 expires.
- (3) The remainder of the Act commences on the day the *Health Professionals Act 2004*, section 3 commences.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

### **3 Legislation amended or repealed**

This Act amends or repeals the legislation mentioned in the schedules.

## Schedule 1            General health profession amendments

(see s 3)

### Part 1.1             Community and Health Services Complaints Act 1993

#### [1.1]            Section 3

omit everything after paragraph (c), substitute

- (d) to encourage an awareness of the rights and responsibilities of users and providers of community services and health services; and
- (e) to assist in the maintenance of minimum standards of health services by the investigation and resolution of complaints about registered health professionals;
- (f) to ensure that health services and community services are provided by people who are suitable and able to provide them.

#### [1.2]            Section 4 (1), definition of *board*

*substitute*

*board* means a health profession board under the *Health Professionals Act 2004*.

#### [1.3]            Section 4 (1), definitions of *registered provider* and *relevant board*

*substitute*

*registered provider* means a provider registered under the *Health Professionals Act 2004*.

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*relevant board*—see the *Health Professionals Act 2004*, section 19 (1), definition of *relevant health profession board*.

**[1.4] Section 4 (1)**

*insert*

*HPA report* means a report made under the *Health Professionals Act 2004*, section 81 (How must report be made?).

**[1.5] Section 9**

*insert*

(ka) to assist health professional boards by investigating matters that need to be investigated, including an HPA report;

**[1.6] Section 9**

*renumber paragraphs when Act next republished under Legislation Act*

**[1.7] Section 11 (3) and (5)**

*omit*

**[1.8] New section 22A**

*in division 3.1, insert*

**22A HPA reports**

For this Act—

- (a) an HPA report is taken to be a complaint made under this division; and
- (b) a person who makes an HPA report is taken to be a person mentioned in section 21 (Who may complain).

**[1.9]            New section 31A**

*in part 3, insert*

**31A            HPA report complaints**

- (1) This section applies to a complaint—
  - (a) that is an HPA report in relation to which a health profession board is required to consult the commissioner; or
  - (b) that suggests to the commissioner that a registered health professional may not be satisfying the suitability to practise requirements, or meeting the required standard of practice, under the *Health Professionals Act 2004*.
- (2) The commissioner must consult the health profession board in relation to the complaint and try to make any decision allowed or required to be made about the matter jointly with the health profession board.
- (3) If the commissioner and the health profession board cannot agree about what to do about the complaint, the *Health Professionals Act 2004*, section 86 (2) and (3) applies to the complaint.
- (4) If the commissioner makes an assessment of the complaint, the commissioner must tell the health profession board in writing about the results of the assessment.

**[1.10]          New section 51 (1A)**

*insert*

- (1A) However, the commissioner must not prepare a report in relation to a complaint that is an HPA report during an investigation unless the commissioner has consulted the relevant board.

*Note*            The commissioner cannot complete an investigation into a complaint that is an HPA report without consulting the relevant board (see s 31A (2)).

**[1.11] New section 51 (5)**

*insert*

- (5) A report prepared under this section in relation to a complaint that is an HPA report must reflect the action required to be taken in relation to the complaint under the *Health Professionals Act 2004*, section 86 (2) and (3).

**[1.12] Section 60**

*substitute*

*Note* See *Health Professionals Act 2004*, s 116 for the role of the commissioner in a standards inquiry under that Act.

**[1.13] New part 10**

*insert*

## **Part 10 Modifications of Act**

**83 Application of pt 10**

This part modifies this Act.

**84 Section 4 (1), new definition of *old board***

*insert*

*old board*—

- (a) means a board mentioned in the definition of *board* as in force immediately before the commencement of part 10; but
- (b) does not include a board that has ceased to exist.

*Note* **Board** was defined to mean each of the following boards:

- the chiropractic board
- the dental board
- the dental technicians and dental prosthetists board
- the medical board

- the nurses board
- the optometrists board
- the pharmacy board
- the physiotherapists board
- the podiatrists board
- the psychologists board.

**85            Section 4 (1), definition of *board***

*substitute*

***board***—

- (a) means a health profession board under the *Health Professionals Act 2004*; and
- (b) includes an old board.

**86            Section 4 (1), definitions of *registered provider* and *relevant board***

*substitute*

***registered provider***—

- (a) means a provider registered under the *Health Professionals Act 2004*; and
- (b) includes a provider registered by an old board.

***relevant board***, in relation to a registered provider—

- (a) see the *Health Professionals Act 2004*, section 19 (1), definition of ***relevant health profession board***; and
- (b) includes a provider registered by an old board.

**87            Expiry of pt 10**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

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## Part 1.2 Electoral Act 1992

### [1.14] Section 33 (1)

*after*

Act

*insert*

, or any other Act under which the commissioner exercises a function

## Part 1.3 Health Act 1993

### [1.15] New part 8

*insert*

## Part 8 Transitional

### 39 Definitions in Health (Fees) Determination

- (1) This section applies to the *Health (Fees) Determination 2003-04* DI2003-150.
- (2) A reference in the determination to a **medical practitioner** is taken to be a reference to a person registered as a medical practitioner under the *Health Professionals Act 2004*.
- (3) The reference in the determination, clause 1, definition of **physiotherapy service** to ‘the definition of physiotherapy in the *Physiotherapists Act 1977*’ is taken to be a reference to—
  - (a) the regulated health service of physiotherapy under the *Health Professionals Act 2004*; or
  - (b) the definition of **physiotherapy** under the *Physiotherapists Act 1977*, section 3 (1); but

(c) does not include the definition mentioned in paragraph (b) if the *Physiotherapists Act 1977* has been repealed.

#### 40            **Expiry of pt 8**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

#### **[1.16]            Dictionary, definition of *health service provider***

*substitute*

***health service provider*** means a person who provides health services at a health facility or uses the equipment or other facilities of a health facility to provide health services elsewhere.

##### **Examples of people who may be health service providers**

- 1    a chiropractor
- 2    a dentist
- 3    a dental technician
- 4    a dental prosthetist
- 5    a doctor
- 6    a nurse
- 7    an osteopath
- 8    an optometrist
- 9    a pharmacist
- 10  a physiotherapist

*Note*            An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).



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## **Part 1.4**                      **Health Professions Boards (Elections) Act 1980**

### **[1.17] Section 3, definition of *board***

*substitute*

***board*** means 1 of the following boards, unless the board has ceased to exist:

- (a) the chiropractors and osteopaths board;
- (b) the dental board;
- (c) the nurses board;
- (d) the optometrists board;
- (e) the pharmacy board;
- (f) the physiotherapists board;
- (g) the veterinary surgeons board.

### **[1.18] Section 3, definition of *election***

*substitute*

***election*** means an election held for 1 of the following Acts:

- (a) the Chiropractors and Osteopaths Act;
- (b) the Dentists Act;
- (c) the Nurses Act;
- (d) the Optometrists Act;
- (e) the Pharmacy Act;
- (f) the Physiotherapists Act;

(g) the Veterinary Surgeons Act.

*Note*        The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (f).

**[1.19]        Section 3, definition of *prescribed Act***

*substitute*

***prescribed Act*** means the Chiropractors and Osteopaths Act, the Dentists Act, the Nurses Act, the Optometrists Act, the Pharmacy Act, the Physiotherapists Act or the Veterinary Surgeons Act.

*Note*        The *Health Professionals Act 2004*, s 136 repeals the Acts, other than the Veterinary Surgeons Act, mentioned in this definition.

**[1.20]        Section 3, definition of *register***

*substitute*

***register*** means each of the following registers:

- (a) for an election held for the Chiropractors and Osteopaths Act—the register of chiropractors or the register of osteopaths kept under that Act;
- (b) for an election held for the Dentists Act—the register of dentists kept under that Act;
- (c) for an election held for the Nurses Act—the register of nurses kept under that Act;
- (d) for an election held for the Optometrists Act—the register of optometrists kept under that Act;
- (e) for an election held for the Pharmacy Act—the register of pharmacists kept under that Act;
- (f) for an election held for the Physiotherapists Act—the register of physiotherapists kept under that Act;

- (g) for an election held for the Veterinary Surgeons Act—the register of veterinary surgeons kept under that Act.

*Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (f).

**[1.21] Section 3, definition of *registered practitioner***

*substitute*

*registered practitioner* means the following:

- (a) for an election held for the Chiropractors and Osteopaths Act—a person registered as a chiropractor or osteopath under that Act;
- (b) for an election held for the Dentists Act—a person registered as a dentist under that Act;
- (c) for an election held for the Nurses Act—a person registered under that Act;
- (d) for an election held for the Optometrists Act—a person registered under that Act;
- (e) for an election held for the Pharmacy Act—a person registered under that Act;
- (f) for an election held for the Physiotherapists Act—a person registered under that Act;
- (g) for an election held for the Veterinary Surgeons Act—a person registered under that Act.

*Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (f).

**[1.22] Section 8 (3) (c)**

*omit*

**[1.23]    Section 8 (3), new note**

*insert*

*Note*    The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in  
pars (a) – (g).

**[1.24]    Section 8 (3)**

*renumber paragraphs when Act next republished under Legislation  
Act*

## **Part 1.5                            Health Professions Boards (Procedures) Act 1981**

**[1.25]    Section 3, definition of *board***

*substitute*

***board*** means 1 of the following boards, unless the board has ceased  
to exist:

- (a) the chiropractors and osteopaths board established under the  
Chiropractors and Osteopaths Act;
- (b) the dental board established under the Dentists Act;
- (c) the nurses board established under the Nurses Act;
- (d) the optometrists board established under the Optometrists Act;
- (e) the pharmacy board established under the Pharmacy Act;
- (f) the physiotherapists board established under the  
Physiotherapists Act;
- (g) the podiatrists board established under the Podiatrists Act;
- (h) the psychologists board established under the Psychologists  
Act;

- (i) the veterinary surgeons board established under the Veterinary Surgeons Act.

*Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (h).

**[1.26] Section 3, definition of *proceeding***

*substitute*

*proceeding* means the following:

- (a) in relation to the chiropractors and osteopaths board—an inquiry by the board under the Chiropractors and Osteopaths Act, section 32;
- (b) in relation to the dental board—an inquiry by the board under the Dentists Act, section 31;
- (c) in relation to the nurses board—an inquiry by the board under the Nurses Act, section 66;
- (d) in relation to the optometrists board—an inquiry by the board under the Optometrists Act, section 40;
- (e) in relation to the pharmacy board—an inquiry by the board under the Pharmacy Act, section 41;
- (f) in relation to the physiotherapists board—an inquiry under the Physiotherapists Act, section 30F;
- (g) in relation to the podiatrists board—an inquiry by the board under the Podiatrists Act, section 38;
- (h) in relation to the psychologists board—an inquiry by the board under the Psychologists Act, section 38;
- (i) in relation to the veterinary surgeons board—an inquiry by the board under the Veterinary Surgeons Act, section 45.

*Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (h).

**[1.27]    Section 11 (4)**

*substitute*

(4) In this section:

***registered practitioner*** means the following:

- (a) in relation to a member of the chiropractors and osteopaths board—a person registered as a chiropractor or osteopath under the Chiropractors and Osteopaths Act;
- (b) in relation to a member of the dental board—a person registered as a dentist under the Dentists Act;
- (c) in relation to a member of the nurses board—a person registered or enrolled as a nurse under the Nurses Act;
- (d) in relation to a member of the optometrists board—a person registered as an optometrist under the Optometrists Act;
- (e) in relation to a member of the pharmacy board—a person registered as a pharmacist under the Pharmacy Act;
- (f) relation to a member of the physiotherapists board—a person registered as a physiotherapist under the Physiotherapists Act;
- (g) in relation to a member of the podiatrists board—a person registered as a podiatrist under the Podiatrists Act;
- (h) in relation to a member of the psychologists board—a person registered as a psychologist under the Psychologists Act;
- (i) in relation to a member of the veterinary surgeons board—a person registered as a veterinary surgeon under the Veterinary Surgeons Act.

*Note*        The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in pars (a) – (h).

## **Part 1.6 Health Professionals (Special Events Exemptions) Act 2000**

### **[1.28] New part 1 heading**

*insert*

## **Part 1 Preliminary**

### **[1.29] New part 2 heading**

*after section 4, insert*

## **Part 2 Special events**

### **[1.30] Section 11 (1)**

*omit*

*a Health Registration Act*

*insert*

*the Health Professionals Act*

### **[1.31] New part 3 heading**

*after section 11, insert*

## **Part 3 Miscellaneous**

### **[1.32] Section 12**

*omit*

*a Health Registration Act*

*insert*

*the Health Professionals Act*

**[1.33] New part 4**

*insert*

## **Part 4 Modification of Act**

**14 Application of pt 4**

This part modifies this Act.

**15 Dictionary, definition of *Health Professionals Act***

*substitute*

***Health Professionals Act***—

- (a) means the *Health Professionals Act 2004*; and
- (b) includes the following Acts:
  - (i) *Chiropractors and Osteopaths Act 1983*;
  - (ii) *Dental Technicians and Dental Prosthetists Registration Act 1988*;
  - (iii) *Dentists Act 1931*;
  - (iv) *Nurses Act 1988*;
  - (v) *Optometrists Act 1956*;
  - (vi) *Pharmacy Act 1931*;
  - (vii) *Physiotherapists Act 1977*;
  - (viii) *Podiatrists Act 1994*;
  - (ix) *Psychologists Act 1994*.

**16 Expiry of pt 4**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.



**[1.34] Dictionary, definition of *Health Registration Act***

*substitute*

*Health Professionals Act* means the *Health Professionals Act 2004*.

## **Part 1.7 Medical Treatment Act 1994**

**[1.35] Section 3, definition of *health professional***

*substitute*

*health professional* means a doctor or nurse.

## **Part 1.8 Public Health Act 1997**

**[1.36] Section 102 (4) (a)**

*omit*

*Medical Practitioners Act 1930*, part 4 (The conduct of medical practice)

*substitute*

*Health Professionals Act 2004*

**[1.37] Section 102 (5) (a)**

*omit*

*Nurses Act 1988*, section 61 (1) (Cancellation or suspension of registration or enrolment)

*substitute*

*Health Professionals Act 2004*

**[1.38]        New section 139 and part 11**

*insert*

**139        References to health care professional in DI2001-187**

- (1) This section applies to the *Public Health Act 1997 Determination of a Code of Practice* DI2001-187.
- (2) A reference in the code of practice under the determination to a **health care professional** is taken to be a reference to—
  - (a) a person registered under the *Health Professionals Act 2004*; or
  - (b) a person mentioned in the dictionary to the code, definition of **health care professional**; but
  - (c) does not include a person mentioned under paragraph (b) if the board with which the person was registered has ceased to exist.
- (3) This section expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

**Part 11                                  Modification of Act**

**140        Application of pt 11**

This part modifies this Act.

**141        Section 102 (5) (a)**

*substitute*

- (a) is taken to be a failure to exercise adequate care in practising nursing for the *Health Professionals Act 2004* or the *Nurses Act 1988*, section 61 (l) (Cancellation or suspension of registration or enrolment) (unless the *Nurses Act 1988* is repealed); and

**142 Dictionary, definition of *counsellor*, paragraph (a)**

*substitute*

- (a) a person registered as a psychologist under the *Health Professionals Act 2004*; or
- (ab) a registered psychologist under the *Psychologists Act 1994* (unless repealed); or

**143 Expiry of pt 11**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

**[1.39] Dictionary, definition of *counsellor*, paragraph (a)**

*substitute*

- (a) a person registered as a psychologist under the *Health Professionals Act 2004*; or

**Part 1.9 Victims of Crime Regulations  
2000**

**[1.40] New part 5**

*insert*

**Part 5 Modification of regulations**

**52 Application of pt 4**

This part modifies these regulations.

**53            Dictionary, definition of *health professional***

*substitute*

***health professional***—

- (a) means a person registered under the *Health Professionals Act 2004*; and
- (b) includes a person registered under 1 of the following Acts (unless repealed):
  - (i) *Chiropractors and Osteopaths Act 1983*;
  - (ii) *Dental Technicians and Dental Prosthetists Registration Act 1988*;
  - (iii) *Dentists Act 1931*;
  - (iv) *Nurses Act 1988*;
  - (v) *Optometrists Act 1956*;
  - (vi) *Pharmacy Act 1931*;
  - (vii) *Physiotherapists Act 1977*;
  - (viii) *Podiatrists Act 1994*;
  - (ix) *Psychologists Act 1994*.

**54            Dictionary, definition of *psychologist***

*substitute*

***psychologist*** means—

- (a) a person registered as a psychologist under the *Health Professionals Act 2004*; and
- (b) a person registered under the *Psychologists Act 1994* (unless repealed).

**55 Expiry of pt 5**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

**[1.41] Dictionary, definitions of *health professional* and *health professions Act***

*substitute*

*health professional* means a person registered under the *Health Professionals Act 2004*.

**[1.42] Dictionary, definition of *psychologist***

*substitute*

*psychologist* means a person registered as a psychologist under the *Health Professionals Act 2004*.

**Part 1.10 Workers Compensation Act 1951**

**[1.43] New chapter 17**

*insert*

**Chapter 17 Modification of Act**

**247 Application of ch 17**

This chapter modifies this Act.

**248 Dictionary, definition of *chiropractor***

*after*

*Health Professionals Act 2004*

*insert*

or the *Chiropractors and Osteopaths Act 1983* (unless repealed)

**249            Dictionary, definition of *osteopath***

*after*

*Health Professionals Act 2004*

*insert*

or the *Chiropractors and Osteopaths Act 1983* (unless repealed)

**250            Dictionary, definition of *physiotherapist***

*after*

*Health Professionals Act 2004*

*insert*

or the *Physiotherapists Act 1977* (unless repealed)

**251            Expiry of ch 17**

This chapter expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

**[1.44]          Dictionary, definition of *chiropractor***

*omit*

*Chiropractors and Osteopaths Act 1983*

*substitute*

*Health Professionals Act 2004*

**[1.45]          Dictionary, definition of *osteopath***

*omit*

*Chiropractors and Osteopaths Act 1983*

*substitute*

*Health Professionals Act 2004*

**[1.46] Dictionary, definition of *physiotherapist***

*omit*

*Physiotherapists Act 1977*

*substitute*

*Health Professionals Act 2004*

**Part 1.11 Workers Compensation  
Regulations 2002**

**[1.47] Regulation 22 (2), table**

*substitute*

<b>column 1 item</b>	<b>column 2 service</b>	<b>column 3 qualification</b>
1	occupational therapy	eligibility for membership of the Australian Association of Occupational Therapists
2	physiotherapy	registration as a physiotherapist under the <i>Health Professionals Act 2004</i>
3	rehabilitation counselling	eligibility for membership of the Australian Society of Rehabilitation Counsellors
4	psychology services	registration as a psychologist under the <i>Health Professionals Act 2004</i>
5	social work services	eligibility for membership of the Australian Association of Social Workers

**[1.48] Regulation 22 (3), note**

*substitute*

*Note* For the meaning of *nurse*, see the Legislation Act, dict, pt 1.

**[1.49] Part 12**

*substitute*

**Part 12 Modification of regulations**

**101 Application of pt 12**

This part modifies these regulations.

**102 Regulation 22 (2), table**

*substitute*

column 1 item	column 2 service	column 3 qualification
1	occupational therapy	eligibility for membership of the Australian Association of Occupational Therapists
2	physiotherapy	registration as a physiotherapist under the <i>Health Professionals Act 2004</i> or the <i>Physiotherapists Act 1977</i> (unless repealed)
3	rehabilitation counselling	eligibility for membership of the Australian Society of Rehabilitation Counsellors
4	psychology services	registration as a psychologist under the <i>Health Professionals Act 2004</i> or the <i>Psychologists Act 1994</i> (unless repealed)
5	social work services	eligibility for membership of the Australian Association of Social Workers

**103 Expiry of pt 12**

This part expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.



**[1.50] Schedule 4**

*omit*

## **Schedule 2      Chiropractors and osteopaths**

(see s 3)

### **Part 2.1                      Repeal of legislation consequential on repeal of Chiropractors and Osteopaths Act 1983**

- *Chiropractors and Osteopaths (Examination) Determination 2002 (No 1)* NI2002-326
- *Chiropractors and Osteopaths (Examination) Determination 2002 (No 2)* NI2002-327
- *Chiropractors and Osteopaths (Fees) Determination 2003 (No 1)* DI2003-241
- *Health Professions Boards (Elections) – Election of One Member of the Chiropractors and Osteopaths Board of the Australian Capital Territory 2003 Declaration of Nominations* NI2003-115
- *Election of Two Members of the Chiropractors and Osteopaths Board of the Australian Capital Territory Declarations of Nominations and Successful Candidates* NI2002-35
- *Health Professions Boards (Elections)—Election of One Member of the Chiropractors and Osteopaths Board of the Australian Capital Territory 2003 Declaration of Successful Candidate 2003* NI2003-171
- *Health Professions Boards (Procedures)—Chiropractors and Osteopaths Board of the ACT 2003 (No 1)* DI2003-166

## **Schedule 3      Dental technicians and dental prosthetists**

(see s 3)

### **Part 3.1              Legislation Act 2001**

#### **[3.1]      Dictionary, part 1, definition of *dental prosthetist***

*substitute*

*dental prosthetist* means a person registered as a dental prosthetist under the *Health Professionals Act 2004*.

#### **[3.2]      Dictionary, part 1, definition of *dental technician***

*substitute*

*dental technician* means a person registered as a dental technician under the *Health Professionals Act 2004*.

### **Part 3.2              Podiatrists Act 1994**

#### **[3.3]      Section 7 (1) (b)**

*omit*

*Dental Technicians and Dental Prosthetists Act 1988*

*substitute*

*Health Professionals Act 2004*

## **Part 3.3                           Psychologists Act 1994**

### **[3.4]           Section 7 (1) (b) (i)**

*omit*

*Dental Technicians and Dental Prosthetists Act 1988*

*substitute*

*Health Professionals Act 2004*

## **Part 3.4                           Repeal of legislation consequential on repeal of Dental Technicians and Dental Prosthetists Act 1988**

- *Dental Technicians and Dental Prosthetists—Determination of Fees 2003 (No 1) DI2003-115*
- *Health Professions Boards (Procedures)—Dental Technicians and Dental Prosthetists Board of the ACT 2003 (No 1) DI2003-43*

## **Schedule 4      Dentists**

(see s 3)

### **Part 4.1                      Dental Technicians and Dental Prosthetists Registration Act 1988**

**[4.1]      Section 40 (a)**

*omit*

registered under the *Dentists Registration Act 1931*

### **Part 4.2                      Drugs of Dependence Act 1989**

**[4.2]      Section 3 (1), definition of *dentist***

*omit*

### **Part 4.3                      Legislation Act 2001**

**[4.3]      Dictionary, part 1, definition of *dentist***

*substitute*

*dentist*—

- (a) means a person unconditionally registered as a dentist under the *Health Professionals Act 2004*; and
- (b) for an activity, includes a person conditionally registered as a dentist under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration.

## Part 4.4 Periodic Detention Act 1995

### [4.4] Section 3 (1), definition of *dentist*

*omit*

## Part 4.5 Pharmacy Act 1931

### [4.5] Section 2 (1), definition of *dentist*

*omit*

## Part 4.6 Repeal of legislation consequential on repeal of Dentists Act 1931

- *Dentists Act 1931—Determination of Fees 2002* DI2002-100
- *Election of Three Members of the Dental Board of the Australian Capital Territory 2002 Declaration of Nominations* NI2002-159
- *Health Professions Boards (Elections) Election of Three Members of the Dental Board of the Australian Capital Territory 2002 Declaration of Successful Candidates* NI2002-219
- *Health Professions Boards (Procedures)—Dental Board of the ACT 2002 (No 1)* DI2002-205

## **Schedule 5      Medical practitioners**

(see s 2)

### **Part 5.1              Birth (Equality of Status) Act 1988**

**[5.1]      Section 3, definition of *registered medical practitioner***  
*omit*

**[5.2]      Section 19 (3)**  
*omit*

registered medical practitioner

*substitute*

doctor

### **Part 5.2              Births, Deaths and Marriages Registration Act 1997**

**[5.3]      Section 4 (1), definition of *doctor***  
*omit*

**[5.4]      Section 23, definition of *doctor***  
*omit*

### **Part 5.3              Boxing Control Act 1993**

**[5.5]      Section 3, definition of *medical practitioner***  
*omit*

## **Part 5.4                      Chiropractors and Osteopaths Act 1983**

**[5.6]            Section 3 (1), definition of *medical practitioner***

*omit*

## **Part 5.5                      Coroners Act 1997**

**[5.7]            Section 3 (1), definition of *medical practitioner***

*omit*

## **Part 5.6                      Dentists Act 1931**

**[5.8]            Section 3, definition of *registered medical practitioner***

*omit*

**[5.9]            Section 77**

*substitute*

### **77            Doctor may give dental services**

- (1) A doctor may give a dental service.
- (2) If a doctor gives a dental service, the service is taken to be a medical service for the purpose of recovering payment for the service.



---

## Part 5.7 Drugs of Dependence Act 1989

### [5.10] Section 3 (1), definition of *intern*

*substitute*

*intern* means a person who is conditionally registered as a medical practitioner under the *Health Professionals Act 2004* because the person would be entitled to apply for unconditional registration if the person had completed a period of supervised training that the person has started.

### [5.11] Section 3 (1), definition of *medical practitioner*

*omit*

## Part 5.8 Health Records (Privacy and Access) Act 1997

### [5.12] Section 4, definition of *medical board*

*substitute*

*medical board* means the medical board established under the *Health Professionals Act 2004*.

## Part 5.9 Legislation Act 2001

### [5.13] Dictionary, part 1, definition of *doctor*

*substitute*

*doctor*—

- (a) means a person unconditionally registered as a medical practitioner under the *Health Professionals Act 2004*; and

- (b) for an activity, includes a person conditionally registered as a medical practitioner under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration.

## **Part 5.10 Long Service Leave (Building and Construction Industry) Act 1981**

**[5.14] Section 3 (1), definition of *registered medical practitioner***  
*omit*

**[5.15] Section 56A**  
*omit*  
registered medical practitioner's  
*substitute*  
doctor's

**[5.16] Further amendments, mentions of *registered medical practitioner***  
*omit*  
registered medical practitioner  
*substitute*  
doctor  
*in*

- section 42 (2) (c)
- section 56
- section 56B (2) (b)

**[5.17] Further amendments, mentions of *registered medical practitioners***

*omit*

registered medical practitioners

*substitute*

doctors

*in*

- section 56 (3)
- section 56B (2) (b) (ii)

**Part 5.11 Medical Services (Fees) Act 1984**

**[5.18] Section 2, definition of *medical practitioner***

*omit*

**Part 5.12 Optometrists Act 1956**

**[5.19] Section 3 (1), definition of *medical practitioner***

*omit*

**Part 5.13 Periodic Detention Act 1995**

**[5.20] Section 3 (1), definition of *medical practitioner***

*omit*

**Part 5.14 Pharmacy Act 1931**

**[5.21] Section 2 (1), definition of *medical practitioner***

*omit*

## **Part 5.15            Physiotherapists Act 1977**

**[5.22]            Section 3 (1), definition of *medical practitioner***

*omit*

## **Part 5.16            Podiatrists Act 1994**

**[5.23]            Section 3 (1), definition of *medical practitioner***

*omit*

## **Part 5.17            Public Sector Management Act 1994**

**[5.24]            Section 3, definition of *medical practitioner***

*omit*

**[5.25]            Further amendments, mentions of *medical practitioner***

*omit*

medical practitioner

*substitute*

doctor

*in*

- section 3, definition of *authorised medical practitioner*
- section 70 (9) (a)
- section 146 (1)
- section 173
- section 206 (6) (b)

## **Part 5.18                      Radiation Act 1983**

### **[5.26]      section 8 (1) (a)**

*substitute*

- (a) a member who is a doctor registered under the *Health Professionals Act 2003* in the specialist area of radiology; and

## **Part 5.19                      Remand Centres Act 1976**

### **[5.27]      Section 3, definition of *registered medical practitioner***

*omit*

### **[5.28]      Further amendments, mentions of *registered medical practitioner***

*omit*

registered medical practitioner

*substitute*

doctor

*in*

- section 6AA (3) (b)
- section 14
- section 20 (f)

## **Part 5.20                      Sexually Transmitted Diseases Act 1956**

### **[5.29]      Section 4, definition of *medical practitioner***

*omit*

---

## **Part 5.21            Trans-Tasman Mutual Recognition Act 1997**

### **[5.30]            Schedule 4, clause 2**

*omit*

*Medical Practitioners Act 1930*

*substitute*

*Health Professionals Act 2004*

## **Part 5.22            Tuberculosis Act 1950**

### **[5.31]            Section 3, definition of *medical practitioner***

*omit*

## **Part 5.23            Repeal of legislation consequential on repeal of Medical Practitioners Act 1930**

- *Health Professions Boards (Elections) Election of Three Members of the Medical Board of the Australian Capital Territory 2002 Declaration of Nominations* NI2002-192
- *Health Professions Boards (Elections) Election of Three Members of the Medical Board of the Australian Capital Territory 2002 Declaration of Successful Candidates* NI2002-270
- *Health Professions Boards (Procedures)—Appointment of Solicitor 2003 (No 2)* NI2003-63
- *Health Professions Boards (Procedures)—Appointment of Solicitor 2003 (No 3)* NI2003-331
- *Health Professions Boards (Procedures)—Appointment of Solicitor 2003 (No 4)* NI2003-343

- *Health Professions Boards (Procedures)—Medical Board Appointments 2003 (No 1)* DI2003-187
- *Health Professions Boards (Procedures)—Medical Board of the ACT Appointments 2002 (No 1)* DI2002-174
- *Health Professions Boards (Procedures)—Medical Board of the ACT Appointments 2002 (No 2)* DI2002-188
- *Health Professions Boards (Procedures) Election of Deputy Chairperson of the Medical Board 2003 (No 1)* NI2003-310
- *Medical Practitioners – Abortion – Approval of a medical facility 2002 (No 1)* NI2002-294
- *Medical Practitioners – Abortion – Approval of a medical facility 2002 (No 2)* NI2002-295
- *Medical Practitioners – Abortion – Approval of a medical facility 2002 (No 3)* NI2002-296
- *Medical Practitioners – Abortion – Approval of a medical facility 2002 (No 4)* NI2002-297
- *Medical Practitioners – Abortion – Approval of a medical facility 2002 (No 5)* NI2002-298
- *Medical Practitioners (Advertising) Regulations 1985* SL1985-14
- *Medical Practitioners Act 1930 Determination of Fees 2001* DI2001-91
- *Medical Practitioners – Publication of registered medical practitioners 2003 (No 1)* NI2003-117

## Schedule 6            Nurses

(see s 3)

### Part 6.1            Birth (Equality of Status) Act 1988

#### [6.1]            Section 3, definition of *registered nurse*

*substitute*

*registered nurse*—

- (a) see the Legislation Act, dictionary, part 1, definition of *nurse*; and
- (b) includes a person registered under a corresponding law of a State.

### Part 6.2            Children and Young People Act 1999

#### [6.2]            Section 159 (1) (c)

*substitute*

- (c) a person registered under the *Health Professionals Act 2004* as a nurse; or

*Note*            **Registered** includes enrolled (see *Health Professionals Act 2004*, dict).



---

## Part 6.3 Crimes Act 1900

### [6.3] Section 76 (2) (a)

*omit*

registered midwife under the *Nurses Act 1988*

*insert*

a person registered as a nurse under the *Health Professionals Act 2004* in the specialist area of midwifery

## Part 6.4 Drugs of Dependence Act 1989

### [6.4] Section 3 (1), definition of *enrolled nurse*

*substitute*

*enrolled nurse* means a person enrolled as a nurse under the *Health Professionals Act 2004*.

### [6.5] Section 3 (1), definition of *nurse*

*substitute*

*nurse*—see Legislation Act, dictionary, part 1.

## Part 6.5 Juries Act 1967

### [6.6] Schedule 2, part 2.2, item 5, column 2

*omit*

*Nurses Act 1988*

*insert*

*Health Professionals Act 2004*

## Part 6.6                            Legislation Act 2001

### [6.7]            Dictionary, part 1, definition of *nurse*

*substitute*

*nurse*—

- (a) means a person unconditionally registered as a nurse under the *Health Professionals Act 2004*; and
- (b) for an activity, includes a person conditionally registered as a nurse under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration; but
- (c) does not include an enrolled nurse.

*Note*            Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered as nurses in a State may be deemed to be registered in the ACT.

### [6.8]            Dictionary, part 1, definition of *nurse practitioner*

*substitute*

*nurse practitioner* means a person registered as a nurse under the *Health Professionals Act 2004* in the specialist area of nurse practitioner.

*Note*            Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered as nurses in a specialty in a State may be deemed to be registered in the specialty in the ACT.

---

## Part 6.7                      Mental Health (Treatment and Care) Act 1994

### [6.9]                      Section 4, definition of *mental health nurse*

*substitute*

*mental health nurse* means a person registered as a nurse under the *Health Professionals Act 2004* in the specialist area of mental health nurse.

*Note*                      Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered as nurses in a specialty in a State may be deemed to be registered in the specialty in the ACT.

## Part 6.8                      Periodic Detention Act 1995

### [6.10]                      Section 3 (1), definition of *nurse*

*omit*

## Part 6.9                      Physiotherapists Act 1977

### [6.11]                      Section 3 (1), definition of *nurse*

*substitute*

*nurse*—

- (a) see the Legislation Act, dictionary, part 1, definition of *nurse*; and
- (b) includes a person enrolled as a nurse under the *Health Professionals Act 2004*.

*Note*                      Under the *Mutual Recognition Act 1992* (Cwlth), section 25 people registered or enrolled as nurses in a State may be deemed to be registered or enrolled in the ACT.

## Part 6.10                      Transplantation and Anatomy Act 1978

### [6.12]      Section 4 (1), definition of *enrolled nurse*

*substitute*

*enrolled nurse* means a person enrolled as a nurse under the *Health Professions Act 2004*.

### [6.13]      Section 4 (1), definition of *registered nurse*

*substitute*

*registered nurse*—see Legislation Act, dictionary, part 1, definition of *nurse*.

## Part 6.11                      Repeal of legislation consequential on repeal of Nurses Act 1988

- *Health Professions Boards (Elections) Election of Two Members of the Nurses Board of the Australian Capital Territory 2002 Declaration of Nominations* NI2002-372
- *Health Professions Boards (Elections) Election of Four Members of the Nurses Board of the Australian Capital Territory 2002 Declarations of Nominations and Successful Candidates* NI2002-324
- *Health Professions Boards (Elections)—Election of Two Members of the Nurses Board of the Australian Capital Territory 2003 Declaration of successful candidates* NI2003-46
- *Health Professions Boards (Procedures)—Nurses Board of the ACT Appointments 2002 (No 2)* DI2002-219
- *Health Professions Boards (Procedures)—Appointment of Solicitor 2003 (No 1)* NI2003-56

- *Health Professions Boards (Procedures) - Nurses Board of the ACT Appointment 2003 (No 1)* NI2003-72
- *Nurses Act 1998 Determination of Fees 1996* DI1996-5
- *Nurses (Registered or Enrolled) Notice 2003 (No 1)* NI2003-188

## **Schedule 7 Optometrists**

(see s 3)

### **Part 7.1 Repeal of legislation consequential on repeal of Optometrists Act 1956**

- *Health Professions Boards (Elections) Election of One Members of the Optometrists Board of the Australian Capital Territory 2003 Declarations of Nominations and Successful Candidates* NI2003-45
- *Health Professions Boards (Procedures) Optometrist Board Appointments 2002 (No 1)* DI2002-175
- *Optometrists—Determination of Fees 2003 (No 1)* DI2003-117

## **Schedule 8      Pharmacists**

(see s 3)

### **Part 8.1              Drugs of Dependence Act 1989**

#### **[8.1]      Section 3 (1), definition of *pharmacist***

*omit*

### **Part 8.2              Legislation Act 2001**

#### **[8.2]      Dictionary, pt 1, definition of *pharmacist***

*substitute*

*pharmacist*—

- (a) means a person unconditionally registered as a pharmacist under the *Health Professionals Act 2004*; and
- (b) for an activity, includes a person conditionally registered as a pharmacist under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration.

### **Part 8.3              Repeal of legislation consequential on repeal of Pharmacy Act 1931**

- *Election of three members of the Pharmacy Board of the Australian Capital Territory Declaration of Nominations* NI2002-101
- *Election of Three Members of the Pharmacy Board of the Australian Capital Territory 2002 Declaration of Successful Candidates* NI2002-151

**Schedule 8**  
**Part 8.3**

Pharmacists  
Repeal of legislation consequential on repeal of Pharmacy Act 1931

Amendment [8.2]

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- *Health Professions Boards (Elections) Election of Three Members of the Pharmacy Board of the Australian Capital Territory 2002 Declaration of Successful Candidates* NI2002-191
- *Health Professions Boards (Procedures) (Pharmacy Board Deputy Chairperson Election) Notice 2004 (No 1)* NI2004-37
- *Health Professions Boards (Procedures)—Pharmacy Board of the ACT 2002 (No 1)* DI2002-199
- *Health Professions Boards (Procedures)—Pharmacy Board of the ACT 2003 (No 1)* DI2003-188
- *Health Professions Boards (Procedures)—Pharmacy Board of the ACT 2003 (No 1)* NI2003-263
- *Pharmacy (Fees) Determination 2003 (No 1)* DI2003-114



## **Schedule 9      Physiotherapists**

(see s 3)

### **Part 9.1                  Chiropractors and Osteopaths Act 1983**

**[9.1]      Section 3 (1), definition of *physiotherapist***

*substitute*

*physiotherapist* means a person registered as a physiotherapist under the *Health Professionals Act 2004*.

### **Part 9.2                  Podiatrists Act 1994**

**[9.2]      Section 3 (1), definition of *physiotherapist***

*substitute*

*physiotherapist* means a person registered as a physiotherapist under the *Health Professionals Act 2004*.

### **Part 9.3                  Repeal of legislation consequential on repeal of Physiotherapists Act 1977**

- *Health Professions Boards (Elections) Election of Three Members of the Physiotherapists Board of the Australian Capital Territory 2002 Declarations of Nominations and Successful Candidates* NI2002-299
- *Physiotherapists Board of the ACT Appointments 2002 (No 1)* DI2002-168
- *Physiotherapists—Determination of Fees 2003 (No 1)* DI2003-116

## Schedule 10 Podiatrists

(see s 3)

### Part 10.1 Poisons Act 1933

#### [10.1] New section 23

*insert*

#### 23 References to podiatrist in DI2004-8

- (1) This section applies to the *Poisons (Fees) Determination 2004 (No 1)* DI2004-8.
- (2) A reference in the determination to a registered podiatrist under the *Podiatrist Act 1994* is taken to be a reference to a person registered as a podiatrist under the *Health Professionals Act 2004*.
- (3) This section expires on the day the *Health Professionals Act 2004*, section 136 (Repeals) expires.

### Part 10.2 Repeal of legislation consequential on repeal of Podiatrists Act 1994

- *Podiatrists Act 1994 Appointment* DI2001-194
- *Podiatrists Act 1994 Appointment* DI2001-195
- *Podiatrists Act 1994 Appointment* DI2001-196
- *Podiatrists Act 1994 Appointment* DI2001-197
- *Podiatrists Act 1994 Appointment* DI2001-198
- *Podiatrists (Fees) Determination 2004 (No 1)* DI2004-6

## **Schedule 11 Psychologists**

(see s 3)

### **Part 11.1 Victims of Crime (Financial Assistance) Act 1983**

#### **[11.1] Section 2, definition of *health professional***

*substitute*

*health professional*—see the *Health Professions Act 2004*, section 14.

### **Part 11.2 Repeal of legislation consequential on repeal of Psychologists Act 1994**

- *Health Professions Boards (Procedures) (Psychologists Board Chairperson Election) Notice 2004 (No 1) NI2004-44*
- *Health Professions Boards (Procedures)—Psychologists Board of the ACT 2003 (No 1) DI2003-42*
- *Health Professions Boards (Procedures)—Psychologists Board of the ACT 2003 (No 2) DI2003-80*
- *Psychologists Board Appointments 2001 DI2001-318*
- *Psychologists Act 1994 Determination of Fees 1997 DI1997-163*
- *Psychologists—Determination of Fees 2003 (No 1) DI2003-94*

## Schedule 12      Miscellaneous

(see s 3)

### Part 12.1      Veterinary Surgeons Act 1965

#### [12.1]      Section 7 (1)

*substitute*

- (1) The board consists of—
  - (a) a chairperson appointed under the *Health Professions Boards (Procedures) Act 1981* (repealed); and
  - (b) 2 other members appointed under that Act; and
  - (c) 2 members elected, as occasion requires, under the *Health Professions Boards (Elections) Act 1980* (repealed).

#### [12.2]      Section 7

*renumber subsections when Act next republished under Legislation Act*

### Part 12.2      Repeal of legislation consequential on repeal of Health Professions Boards (Elections) Act 1980

- *Health Professions Boards (Elections) Act 1980—Form 1* AF2002-98
- *Health Professions Boards (Elections) Act 1980—Form 2* AF2002-99
- *Health Professions Boards (Elections) Act 1980—Form 3* AF2002-100

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 March 2004.

**2 Notification**

Notified under the Legislation Act on 8 July 2004.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Health Professionals Legislation Amendment Bill 2004, which was passed by the Legislative Assembly on 1 July 2004.

Acting Clerk of the Legislative Assembly

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